IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2020 OF 2007

Smt. Shardaben B. Patel ..Applicant

Vs.

1. Shri Alpesh Dhirubhai Kathiriya
and anr. ..Respondents

Mr. S.A. Shetty for applicant.
Mr. D.P. Adsule, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : October 22, 2007.

P.C.:

1. Heard the learned counsel for the applicant - original complainant. C.C. No. 2404/SS/2006 was filed through the General Power of Attorney, Smt. Bhavika Dhakra, the daughter of Smt. Shardaben Patel. It was contended that Smt. Shardaben had advanced a loan of Rs.25,00,000/- to the accused Shri Alpesh Kathiriya, resident of Surat in the State of Gujarat. It was also admitted that Shri Alpesh was a friend of Bhavesh, the son of Shardaben.

2. On her affidavit by way of examination-in-chief the applicant was crossed examined and in the same she admitted that there was no document in writing regarding the transaction of Rs.25,00,000/- between the accused and her mother, except the dishonoured cheque. The trial court, therefore, held that the complainant could not prove that the dishonoured cheque was issued for the repayment of any debt or any other legally enforceable liability.

3. I have gone through the depositions of the complainant and more particularly cross-examination. The view taken by the trial court in support of the order of acquittal does not call for reconsiderations at the hands of this court.

4. Hence, leave to appeal is refused and the application is rejected.

(B.H. Marlapalle,J.)